

## **EX. 3**

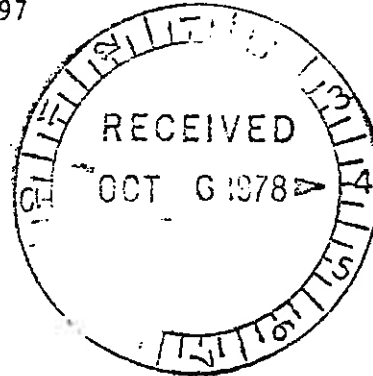


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Copies to: Hoka  
Gibbons  
Moore

CERTIFIED MAIL - RETURN RECEIPT REQUESTED #637497

Mr. J. G. Harlow  
President  
Oklahoma Gas and Electric  
Company  
P.O. Box 321  
Oklahoma City, Oklahoma 73101



Re: Oklahoma Gas and Electric Company  
Muskogee 6  
PSD-OK-57

Dear Mr. Harlow:

On September 25, 1978, Oklahoma Gas and Electric Company was issued a modification to prevention of significant deterioration permit PSD-OK-57. It has been discovered that there is a typographical error in condition 5, line 4, of said modification. The date in said line should read April 18, 1979, not April 18, 1978. I assure you April 18, 1979, was the intended date and I apologize for any confusion and inconvenience this may have caused.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah A. Chadbourne".

Deborah A. Chadbourne  
Attorney, Legal Branch  
Enforcement Division (6AEL)

cc: Mr. Bill Stewart  
Executive Director  
Texas Air Control Board  
8520 Shoal Creek Blvd.  
Austin, Texas 78758



September 25, 1978

CERTIFIED MAIL - RETURN RECEIPT REQUESTED #637469

Mr. J. G. Harlow  
President  
Oklahoma Gas and  
Electric Company  
P.O. Box 321  
Oklahoma City, Oklahoma 73101

Re: Oklahoma Gas and Electric Company  
Muskogee 6  
PSD-OK-57

Dear Mr. Harlow:

On March 30, 1978, Oklahoma Gas and Electric Company, was issued an approval to construct one 550 megawatt coal-fired steam electric generating unit, known as Muskogee 6, near Fort Gibson, Oklahoma, pursuant to the requirements of the Clean Air Act, as amended, and the prevention of significant deterioration regulations at 40 CFR 52.21. That approval is hereby modified in accord with the new prevention of significant deterioration regulations published on June 19, 1978, at 43 Federal Register 26380. The conditions listed below are to be substituted for the conditions with the same number specified on page 2 of the March 30, 1978, permit, and new numbers are to be added to the conditions specified on page 2 of said permit.

5. Physical on-site construction of the source, or the entering into of binding agreements or contractual obligations to undertake a program of construction of the source, must begin by April 18, 1978, in accord with the prevention of significant deterioration regulations published on June 19, 1978. If on-site construction has not begun by that date, or if binding agreements or contractual obligations for construction of the source have not been entered into by that date, this permit, PSD-OK-57, becomes void and it will be necessary to resubmit an application under Section 165 of the Clean Air Act, as amended.
6. The permittee shall notify the permitting authority in writing of the beginning of construction of the permitted facility within 30 days of such action and the estimated date of start-up of operation.

7. The permittee shall notify the permitting authority in writing of the actual start-up of the permitted facility within 30 days of such action and the estimated date of demonstration of compliance.
8. Each emission point for which an emission test method is established by this permit shall be tested in order to determine compliance with the emission limitations contained herein within 90 days of achieving the maximum production rate, but in no event later than 180 days after initial start-up of the permitted facility. The permittee shall notify the permitting authority of the scheduled date of compliance testing at least 30 days in advance of such test. Compliance test results shall be submitted to the permitting authority within 45 days after the compliance testing. The permittee shall provide (1) sampling ports adequate for test methods applicable to such facility, (2) safe sampling platforms, (3) safe access to sampling platforms, and (4) utilities for sampling and testing equipment.
9. If, for any reason, the permittee does not comply with or will not be able to comply with the emission limitations specified in this permit, the permittee shall provide the permitting authority with the following information in writing within 5 days of such condition:
  - (a) description of noncomplying emission(s),
  - (b) cause of noncompliance,
  - (c) anticipated time the noncompliance is expected to continue or, if corrected, the duration of the period of noncompliance,
  - (d) steps taken by the permittee to reduce and eliminate the noncomplying emission,and
  - (e) steps taken by the permittee to prevent recurrence of the noncomplying emission.

Failure to provide the above information when appropriate shall constitute a violation of the terms and conditions of

this permit. Submittal of this report does not constitute a waiver of the emission limitations contained within this permit.

10. Any change in the information submitted in the application regarding facility emissions or changes in the quantity or quality of materials processed that will result in new or increased emissions must be reported to the permitting authority. If appropriate, modifications to the permit may then be made by the permitting authority to reflect any necessary changes in the permit conditions. In no case are any new or increased emissions allowed that will cause violation of the emission limitations specified herein.
11. In the event of any change in control or ownership of facilities described in this permit, the permittee shall notify the succeeding owner of the existence of this permit by letter and forward a copy of such letter to the permitting authority.
12. All correspondence required to be submitted by this permit to the permitting agency shall be mailed to the  
  
Director, Enforcement Division  
Environmental Protection Agency  
Region 6  
First International Building  
1201 Elm Street  
Dallas, Texas 75270
13. The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

The emission of any pollutant more frequently or at a level in excess of that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

This modification is effective on September 25, 1978.

Signed this 11th day of September, 19 78.

Ed Harrison  
Adlene Harrison  
Regional Administrator



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

FIRST INTERNATIONAL BUILDING

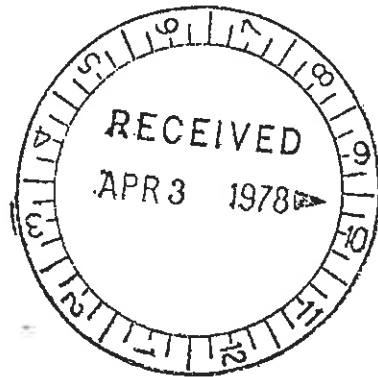
1201 ELM STREET

DALLAS, TEXAS 75270

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (856414)

MAR 30 1978

Mr. Charles L. Tyree  
 Chief, Environmental Affairs  
 Oklahoma Gas and Electric Company  
 P. O. Box 321  
 Oklahoma City, Oklahoma 73101



Dear Mr. Tyree:

A review of your application for authority to construct a coal-fired steam electric generating unit, at the Muskogee Generating Station, as specified in your Significant Deterioration Review, Application Number PSD-OK-57 dated November 30, 1977, has been completed by the Environmental Protection Agency (EPA). A determination has been made to approve your project. Our final determination indicates that you have met the requirements of the prevention of significant deterioration regulations of 40 CFR 52.21, as amended by the Clean Air Act Amendments of 1977, that is, the operation of your proposed project at the location specified, (1) will not cause a violation of the Class II air quality deterioration increments, (2) will not cause a violation of the National Ambient Air Quality Standards, (3) will not have an impact on the air quality of any mandatory Class I areas, and (4) will use best available control technology to control emissions of sulfur dioxide (SO<sub>2</sub>) and particulate matter (TSP).

A violation of any condition issued as part of this approval as well as any construction which proceeds at variance with information submitted in the application is regarded as a violation of construction authority and is subject to enforcement action. Also, before you start construction you must meet, if applicable, all other Federal EPA requirements such as the 40 CFR part 60 (New Source Performance Standards), the National Pollutant Discharge Elimination System (NPDES), and the National Environmental Policy Act (NEPA). Commencement of construction prior to the completion of the NEPA process may result in enforcement action pursuant to Section 6.906 of 40 CFR Part 6, Preparation of Environmental Impact Statement. Furthermore, it must be pointed out that issuance of your prevention of significant deterioration certification does not free you of the responsibility to comply with other air pollution control strategies and all local, State, and Federal regulations which are part of the Oklahoma State Implementation Plan.

This approval is issued in accordance with the following conditions:

1. The source will be constructed in accordance with the application and supportive facts submitted for EPA review.
2. The source shall meet the requirements for the application of best available control technology as follows:
  - a) The source shall comply with the requirements of the New Source Performance Standards (NSPS) for Solid Fossil Fuel-fired Steam Generators (40 CFR, Part 60, Subpart D).
  - b) The source shall comply with the NSPS for Coal Preparation Plants (40 CFR, Part 60, Subpart Y).
3. The maximum emission rates of SO<sub>2</sub> and TSP from Muskogee 6 shall not exceed 6180 lbs SO<sub>2</sub>/hr and 212 lbs TSP/hr.
4. Compliance with the above required emission limitations shall be determined by the test methods and procedures as outlined in 40 CFR 60.46 and 60.254.
5. Approval under the prevention of significant deterioration requirements shall take effect on the date of this notice. In accordance with the proposed prevention of significant deterioration rules which appeared in the Federal Register of December 8, 1977, construction must commence before December 1, 1978. If construction is not commenced by December 1, 1978, (where the term "commenced" is defined under 40 CFR 52.21(b)(7) as promulgated in the Federal Register on November 3, 1977), then this approval shall become invalid, and it will be necessary to resubmit an application under the new prevention of significant deterioration regulations which are expected to be promulgated on March 1, 1978.

The complete analysis including public comments, which justifies this approval, has been fully documented by the EPA Regional Office for future reference, if necessary. Any questions concerning this approval may be directed to Oscar Cabra by phone at (214) 767-2742 or by letter to this office.

Sincerely,



Adlene Harrison  
Regional Administrator

cc: John W. Gallion, Chief  
Air Quality Service

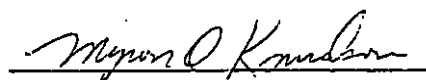
AFFIDAVIT OF INTENT

Oklahoma Gas and Electric Co.  
P. O. Box 321  
Oklahoma City, Oklahoma 73101

PSD-OK-57

Construction of a coal-fired steam electric generating unit at the Muskogee Oklahoma Generating Station.

This permit would have been issued on or before this date, February 28, 1978, but for the order entered in Environmental Defense Fund v. Environmental Protection Agency, No. 78-281 (D.D.C.) on February 24, 1978.



for Adlene Harrison  
Regional Administrator